

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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ACE INVESTORS, LLC,

Plaintiff,

vs.

MARGERY RUBIN, AS TRUSTEE OF THE  
RUBIN FAMILY IRREVOCABLE STOCK  
TRUST,

Defendant.

MEMORANDUM DECISION AND  
ORDER FOR SUPPLEMENTAL  
BRIEFING

Case No. 2:08-CV-289 TS

The following issues are before the Court for consideration: (1) Plaintiff's Omnibus Motion (Docket No. 125); Plaintiff's Motion for Order to Show Cause (Docket No. 241); (3) the Magistrate Judge's Order Certifying Facts Regarding Contempt (Docket No. 266); and (4) the Motion to Dismiss Plaintiff's Claims Against Garnishees (Docket No. 267). The Court has set these matters for an evidentiary hearing on June 29, July 10, and July 11, 2012.

The Court is concerned with its authority to consider these matters as a result of the Notice of Appeal filed by the Garnishees.<sup>1</sup> In their appeal, Garnishees challenge the Court's order finding personal jurisdiction, as well as the Court's Order for Restraint.

In general, the filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of jurisdiction over those issues involved in the appeal.<sup>2</sup> "Any subsequent action by [the district court] is null and void."<sup>3</sup> However, the district court retains jurisdiction over collateral matters.<sup>4</sup>

The parties have not addressed how the appeal in this case may affect the Court's ability to rule on the issues before it. As a result, the Court requests supplemental briefing on the issue of whether the Court has the authority to rule on the above-listed matters while the appeal is pending. The Court further requests the parties' position on whether, assuming the Court has the authority to rule on these matters, the Court should await decision from the Tenth Circuit Court of Appeals before doing so.

Each party may submit a brief, limited to ten (10) pages of argument, on these two questions by May 30, 2012. The hearing set for June 29, July 10, and July 11, 2012, will remain as scheduled.

SO ORDERED.  
DATED May 15, 2012.

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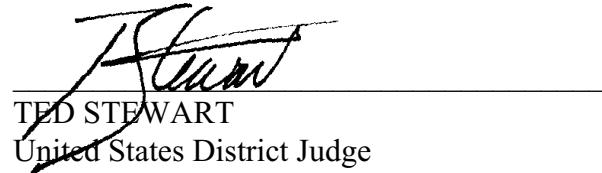
<sup>1</sup>Docket No. 189.

<sup>2</sup>See *Garcia v. Burlington N. R.R. Co.*, 818 F.2d 713, 721 (10th Cir. 1987).

<sup>3</sup>*Id.*

<sup>4</sup>*Id.*

BY THE COURT:

  
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TED STEWART  
United States District Judge